

ORIGINAL

LAW OFFICES

BLOOSTON, MORDKOFKY, JACKSON & DICKENS

2120 L STREET, N.W.

WASHINGTON, D.C. 20037

(202) 659-0830

FACSIMILE: (202) 828-5568

AFFILIATED SOUTH AMERICAN OFFICES:

ESTUDIO JAUREGUI & ASSOCIATES

BUENOS AIRES, ARGENTINA

ROBERT M. JACKSON
OF COUNSEL

PERRY W. WOOFER
LEGISLATIVE CONSULTANT

EUGENE MALISZEWSKYJ
DIRECTOR OF ENGINEERING
PRIVATE RADIO

SEAN A. AUSTIN
DIRECTOR OF ENGINEERING
COMMERCIAL RADIO

EX PARTE OR LATE FILED

November 12, 1999

HAROLD MORDKOFKY
BENJAMIN H. DICKENS, JR.
JOHN A. PRENDERGAST
GERARD J. DUFFY
ANDREW BROWN
RICHARD D. RUBINO
MARY J. SISAK
D. CARY MITCHELL
MICHAEL B. ADAMS, JR.
LAURA A. OTIS
KENNETH T. SIGMAN*

ARTHUR BLOOSTON
1914 - 1999

*LIMITED TO PRACTICE BEFORE
FEDERAL AGENCIES AND COURTS

RECEIVED

NOV 12 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WRITER'S DIRECT DIAL NO.

202-828-5554

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, SW
TW-A325
Washington, DC 20554

NOTICE OF EX PARTE PRESENTATION

Re: Ex parte oral communications in:

**Calling Party Pays Service Offering in the Commercial Mobile Radio Services,
WT Docket No. 97-207 and**

**Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911
Emergency Calling Systems, WT Docket No. 94-102, RM-8143**

Dear Ms. Salas:

In compliance with Section 1.1206 of the Commission's rules, Omnipoint Communications, Inc. (Omnipoint), by its attorney, hereby submits an original and four copies of this memorandum concerning an oral ex parte presentation on the above-reference matters, made on November 10, 1999, by Jerry O'Brien and Carl Hansen of Omnipoint, and Mary J. Sisak, Omnipoint's counsel, to David Siehl, Mary Woytek, Jay Whaley and Joe Levin of the FCC's Wireless Bureau.

With respect to the Calling Party Pays (CPP) docket, WT 97-207, Omnipoint urged the Commission to work toward a competitive, reasonably priced service, so that wireless service

No. of Copies rec'd
List ABCDE

014

NOTICE OF EX PARTE PRESENTATION

could become an alternative to wireline service. Omnipoint urged the Commission to adopt a simple and inexpensive solution to the notification issue. According to Omnipoint, an easily recognizable number is the preferred method of providing customer notification. Omnipoint also indicated that it was not adverse to an education program to inform consumers about CPP, and that it would be willing to provide notification in telephone books, if the cost was reasonable.

Omnipoint discussed the problems associated with an extensive and cumbersome notification process as proposed by the Commission in its rulemaking. Omnipoint explained that customers would not like extensive notification because it would interrupt and delay the call process. Omnipoint also explained that a notification would increase the cost of the service, adding approximately \$0.05 to the cost of the call, which would further hinder customer acceptance.

Finally, Omnipoint demonstrated that a notification requirement that applies only to wireless CPP service would anticompetitively disadvantage the service in comparison to wireline service. Omnipoint demonstrated that currently, wireline customers may be assessed additional charges for calls, unbeknownst to them, in light of the many different calling plans and dialing patterns used for local and toll services, and there is no notification requirement. As an example, Omnipoint showed the Commission a page from the Bell Atlantic- New Jersey White Pages (a copy of which is attached hereto), that shows that different per minute charges are assessed for the same type of call, depending on the airline mileage of the originating and terminating location.

Omnipoint argued that if the Commission imposes a notification requirement, it should be imposed in a competitively neutral manner. Thus, Omnipoint proposed that if a notification requirement is imposed, it should apply to all services and service providers—both wireline and wireless. Under this proposal, any carrier who charges a rate in excess of a reasonable price point, as determined by the Commission, would have to provide a notification message and any carrier – including wireless CPP service providers—whose rates are less than the price point would not be required to provide a notification message.

With respect to the E911 proceeding, WT Docket No. 94-1-2, Omnipoint urged the Commission not to depart from its current rule and require CMRS providers to provide E911 service before the local jurisdiction implements a mechanism to pay for it. States set up the E911 systems and state commissions set the cost of necessary local exchange carrier services, which are the primary factors that determine the cost of provisioning E911 by CMRS providers. Accordingly, the states should be required to provide for cost recovery. In addition, a number of states have provided for E911 cost recovery. The Commission should not relieve the remaining

NOTICE OF EX PARTE PRESENTATION

states from this obligation at the expense of the states that have complied. Omnipoint also reiterated its support of the Ex Parte Presentation dated November 5, 1999, from BellSouth Cellular Corp., et al, to Chairman Kennard and the Commissioners.

Sincerely,

A handwritten signature in cursive script, reading "Mary J. Sisak".

Mary J. Sisak

Attachment

cc: David Siehl
Mary Woytek
Jay Whaley
Joe Levin

Bell Atlantic Toll Calls

Bell Atlantic Toll Rates

This chart gives rates for long distance calls to numbers within your regional calling area. (See map on page 19.)

Charges are based on rates at the calling point -

Charges are based on the rates in effect at the time of connection at the calling (originating) point. If your call starts during one rate period and continues into another, your call will be billed at the rate that applies for each time period.

Direct-Dial Calls

are made from your home or business without the help of an Operator. You pay for the minutes you are connected with a one minute minimum.

Holiday Rates

On direct-dial Bell Atlantic toll calls, holiday rates are in effect on New Year's Day, Independence Day, Labor Day, Thanksgiving and Christmas Day. These calls are billed at the evening rate, unless a lower rate would normally apply. Calling Card and Operator Assistance charges are not discounted, but discounts do apply to the dial-direct portion of these calls.

The rates shown on this page were in effect when this directory was printed. If changes occur, new rates can be obtained by dialing "0" (Operator). These rates do not include taxes. Call our Business Office for information on applicable taxes. The telephone number can be found in this Customer Guide on page 5.

Bell Atlantic New Jersey Toll Rates Chart

Airline Miles		Day 8 AM - 5 PM Mon - Fri		Evening 5 PM - 11 PM Mon - Fri 8 AM - 11 PM Sat - Sun		Night 11 PM - 8 AM All Days	
Over	Up to and including	Initial Minute	Ea. Add'l. Minute	Initial Minute	Ea. Add'l. Minute	Initial Minute	Ea. Add'l. Minute
1	10	\$0.0900	\$0.0300	\$0.0720	\$0.0240	\$0.0540	\$0.0180
11	15	0.1300	0.0600	0.1040	0.0480	0.0780	0.0360
16	20	0.1700	0.0700	0.1360	0.0560	0.1020	0.0420
21	25	0.2200	0.0900	0.1760	0.0720	0.1320	0.0540
26	32	0.2800	0.0900	0.2240	0.0720	0.1680	0.0540
33	48	0.3300	0.1100	0.2640	0.0880	0.1980	0.0660
49	64	0.3700	0.1100	0.2960	0.0880	0.2220	0.0660
65	up	0.4200	0.1200	0.3360	0.0960	0.0000	0.0000

Rates in effect as of the date of this directory and are subject to change. Federal excise tax and any state and local taxes are not included in the above rates.